



2550 MARIPOSA MALL, ROOM 5090
FRESNO, CA 93721

Public: (559) 477-1691
Telephone: (559) 477-1688
Facsimile: (559) 445-5106
E-Mail: Nelson.Richards@doj.ca.gov

October 27, 2015

VIA ECF

Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

RE: Tracy Rifle and Pistol LLC, et al. v. Kamala D. Harris, et al.
United States Court of Appeals for the Ninth Circuit, Case No. 15-16501

Dear Ms. Dwyer:

I represent Appellees Kamala D. Harris and Stephen J. Lindley in the referenced matter, and write in response to the Court's correspondence informing the parties that the case is being considered for the February 2016 oral argument calendar. ECF No. 16. I have also received the letter regarding counsel for Appellant's availability and preference for argument in the Pasadena Courthouse. ECF No. 17.

I represent the appellant in another case that is being considered for the February 2016 oral argument calendar: *Del Real v. Harris* (Ninth Cir. Case No. 13-16893). As in this case, the argument in *Del Real* has not yet been set. The case had originally been set for hearing on December 7, 2015, but the Court postponed it to the February 2016 calendar to accommodate my parental leave, which is scheduled from November 30 to December 14, 2015, and from February 29 to April 11, 2016.

Because both appeals are taken from the Eastern District of California, they would normally be scheduled for argument in San Francisco, creating a risk of conflict. *See* Circuit Rules, *Court Structure and Procedure* ¶ C(1); Circuit Rule 34-1. One way to avoid a conflict between arguments in this case and *Del Real* would be, as Appellants' counsel suggests, to depart from ordinary practice and instead schedule the argument in this case at the Richard H. Chambers Courthouse in Pasadena on February 1, 2, 4, or 5. If the Court is so inclined, I would welcome that modification.

In the event argument in Pasadena the week of February 1 is not an option, I ask that argument in this case be scheduled at the James R. Browning Courthouse in San Francisco at a time that does not conflict with the argument in *Del Real*.

October 27, 2015

Page 2

I understand that the Court's schedule takes precedence, and I appreciate the Court's effort to accommodate the schedule of counsel.

Sincerely,

s/ Nelson Richards
NELSON R. RICHARDS
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

NRR:

SA2015104511
95160182.doc